

Attorney Docket No. 15737US01

REMARKS

The present application includes claims 106-122. Claims 106-122 have been rejected by the Examiner. By this response, claims 106, 111, 118 and 122 have been amended.

Claims 106, 111 and 122 were objected to because of various informalities. By this response, claims 106, 111 and 122 have been amended to correct the informalities as requested by the Examiner. Therefore, the Applicant respectfully submits that the Examiner's objections have been overcome.

Claim 118 was rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as his invention. Specifically, the Examiner asserted that the limitation "the currency denomination" recited in claim 118 lacked sufficient antecedent basis. By this response, claim 118 has been amended to recite that "each of said gaming machines has a currency denomination" and the "currency denomination of each of said gaming machines is one cent." Therefore, the Applicant respectfully submits that the Examiner's rejection of claim 118 should be withdrawn.

Claims 106-122 were rejected under 35 U.S.C. 103(a) as being unpatentable over Acres (U.S. Patent No. 6,375,567) in view of Torango (U.S. Patent No. 6,592,460). However, the priority date of the Acres patent is April 28, 1998, and the present application claims priority to provisional applications filed on July 8, 1997, and

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September 9, 1997. The Acres patent is not prior art under 35 U.S.C. 102 and cannot be used in a rejection under 35 U.S.C. 103(a) with respect to claims of the present application.

Since the previous rejection under 35 U.S.C. 103 in view of the Torango patent alone has been overcome -- as indicated by the Examiner's present Action -- the Applicant respectfully submits that the Examiner's rejection of claims 106-122 should be withdrawn, and claims 106-122 should be in condition for allowance.¹

¹ The Examiner in her Action, however, mischaracterizes the Torango '460 patent. The Examiner states "However, Torango discloses determining probability (the odds) of triggering a bonus event based on the amount of wager (col. 24, lines 8-10) and displaying the second game (the bonus event) at a particular game machine (col. 15, lines 63-66)." The Examiner has misread the Torango '460 patent. The display of a second game is nowhere taught in the Torango '460 patent. The Examiner cites column 15, lines 63-66, which only teaches, at best, "presenting" the available prizes to the player prior to play of the single game. There is no second game displayed to the player, and, as explained in Applicant's Amendment filed on April 8, 2005, it would not be obvious to do so. In addition, the Examiner refers to column 25, lines 8-10 (the claims), which is not text having a date prior to the date of the present application (the wording of claims is not prior art, unless the claim appears at the filing date).

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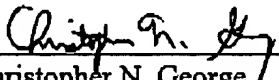
CONCLUSION

It is submitted that the present application is in condition for allowance and a Notice of Allowability is respectfully solicited. If the Examiner has any questions or the Applicant can be of any assistance, the Examiner is invited and encouraged to contact the Applicant at the number below.

The Commissioner is authorized to charge any additional fees or credit overpayment to the Deposit Account of MHM, Account No. 13-0017.

Respectfully submitted,

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